

### **REMARKS**

Applicants believe no new matter is added by these amendments to the specification and claims.

Claims 1-12 and 24-34 have been canceled. New claims 35- 39 have been added. After entry of the present amendments, Claims 13 and 35-39 will remain in this application.

*Amendments to the specification.* The addition of the paragraph at page 1, line 13, indicates a research agreement between the present assignee, Mendel Biotechnology, Inc. and Monsanto Corporation.

The amendment to add the creation date of the Sequence Listing is supported by the creation date of the Sequence Listing files on the CD-ROMs filed with the application.

*Amendments to the claims.* The amendments to the claims reflect the withdrawal of the unelected invention (polynucleotide sequences). The presently amended claims are also directed to the elected sequences, thus providing to the remaining claims the common structural features of G922, polynucleotide SEQ ID NO: 3 and/or encoded polypeptide SEQ ID NO: 4.

Support for SEQ ID NOs: 3, 4 and water deprivation tolerance (osmotic stress) may be found, for example, in priority application 60/336,049, filed 19 November, 2001, in the CD-ROM included with the application, describing how "G922 could be used to alter salt tolerance, tolerance to osmotic stress" based on G922 overexpressing *Arabidopsis* plants being "more salt tolerant" and "more tolerant to osmotic stress". The latter application also states: "Plants tolerant to osmotic stress could also have more tolerance to drought and/or freezing...Osmotic stress tolerance would also support a drought tolerant phenotype".

Support for the terms "water deprivation treatment", salt and sucrose tolerance (150 mM salt and 9.4% sucrose, respectively) is provided by, for example, the specification at page 118, line 33 through page 119, line 3.

Support for control plant is provided in the specification in, for example, the above lines and on page 20, lines 6-13.

Support for stringency conditions of 1x SSC, 1% SDS at 60° C in two wash steps is provided, for example, on page 107, line 2, and also, for example, in priority U.S. patent application 60/166,228, filed 17 November 2007, on page 20, lines 10-11 and priority application 60/336,049, in paragraph 0122.

Support for stringency conditions of 0.2x SSC, 0.1% SDS at 65° C in two wash steps is provided, for example, on page 107, line 2, and also, for example, in priority U.S. patent application 60/166,228 on page 11, lines 17-18, and priority application 60/336,049 in paragraph 0057.


Support for a constitutive, inducible, or tissue-specific promoter may be found, for example, on page 69, lines 12-14.

Support for a transformed seed may be found, for example, on page 109, lines 5-26.

**CONCLUSION**

Applicants believe that no additional fee is due with this communication. However, if the USPTO determines that an additional fee is due, the Commissioner is hereby authorized to charge Mendel Biotechnology, Inc. Deposit Account No. **50-1025**.

Respectfully submitted,  
MENDEL BIOTECHNOLOGY, INC.



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